



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

JUL 23 2010

REPLY TO
ATTENTION OF

CECW-CO

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS AND CHIEFS, NATURAL RESOURCES MANAGEMENT, MAJOR SUBORDINATE COMMANDS

SUBJECT: Life Jacket Loaner Program Policy

1. References:

- a. Life Jacket Mandate Study Interim Report, 2 May 2008
- b. Title 31 USC, Principles of Federal Appropriations Law (GAO Redbook)
- c. CERM-F Memorandum, Subject: Public Safety Promotional Materials, 27 November 2002
- d. ER & EP 1130-2-550, Chapter 2 – Recreation Management, 15 November 1996

2. This memorandum provides policy to clarify the use of appropriated funds for purchasing supplies and materials to establish and maintain life jacket loaner programs on U.S. Army Corps of Engineers projects. The Corps Life Jacket Loaner Program was authorized to help reduce the number of public fatalities at Corps projects. Currently, over 90% of all drownings at Corps projects could have been prevented if a life jacket had been worn by the victim. Broader implementation of the Corps Life Jacket Loaner Program was one of the recommendations presented in the 2007 Life Jacket Mandate Study (LJMS) interim report prepared for MG Don Riley, then USACE Director of Civil Works. MG Riley endorsed that recommendation along with life jacket policy testing and the remaining report recommendations. The LJMS interim report can be viewed online at <http://corpslakes.usace.army.mil/employees/watersafety/ljms.cfm>.

3. The guidance for this policy is derived from Title 31 United States Code and the General Accounting Office, Principles of Federal Appropriations Law (GAO Red Book) as explained further in references 1.b. and 1.c. This guidance is further derived from the implication of the purpose statute, which directs that appropriated funds may only be used for the purpose for which they were appropriated. See 31 U.S.C. Sec. 1301(a). Not every expenditure must be expressly authorized to be permissible. However, if not expressly authorized, a proposed expenditure must be analyzed under the “necessary expense” test. This test provides that an agency expenditure, even if not specifically authorized by law, is still permissible if deemed reasonably necessary to carry out an authorized function or contributes significantly to the effective accomplishment of that function, and it is not otherwise prohibited by law.

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4. Promoting public safety is an authorized agency purpose for managing the USACE Recreation Program as directed in reference 1.d., which contains a stated objective “To provide a quality outdoor recreation experience which includes an accessible, safe and healthful environment to a diverse population.” Furthermore, this regulation directs public education stating that “Project personnel will promote, develop, and maintain public interest in recreation safety through the establishment of water safety councils or by participation in other local water safety educational opportunities.”

5. Life jacket loaner programs have been established by USACE and other public safety agencies for backup provision of life jackets for visitors who inadvertently come to recreational lakes without one. Loaner stations have been successfully used as a tool to educate people about wearing the proper size and type of life jacket while recreating on our waters, further supporting our goal to reduce public recreation fatalities. Many of the existing loaner programs are made possible through donations and continued support of partnering organizations such as Safe Kids Coalition, local water safety councils, and BoatUS. Corps projects are encouraged to continue to seek partners to supplement the expenditures necessary to maintain these facilities.

6. Loss of life jackets from loaner stations has not typically been a problem; however, it is recommended that loaner life jackets are dispensed in a reasonably controlled manner and that losses be recorded and tracked. Excessive loss should immediately lead to actions to minimize theft or vandalism, including relocation or removal of loaner stations or initiation of manned check-out locations, such as at fee booths, visitor centers or similar staffed areas. Corps projects are encouraged to implement sign out programs to monitor the use and return of these life jackets, as well as schedule routine life jacket inspections to ensure that devices are maintained in safe and functional condition. This recommendation does not eliminate use of unmanned stations so long as proper public information regarding use and fitting of life jackets is posted, as well as clear indication that the devices are to be returned that same visitor day.

7. Additional information regarding life jacket loaner programs, signage and station designs can be found on the NRM Gateway, or by contacting the National Operations Center for Water Safety, ATTN: Lynda Nutt, lynda.g.nutt@usace.army.mil or Rachel Garren, rachel.j.garren@usace.army.mil.

FOR THE COMMANDER:



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